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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:
JOHN DELANEY,	:
	:
Plaintiff,	: Civ. No.: 11 CIV 8151 (PAE)
	:
-- against --	: ECF CASE
	:
BANK OF AMERICA CORPORATION and	:
BANK OF AMERICA MERRILL LYNCH	:
f/k/a BANC OF AMERICA SECURITIES, LLC	:
	:
Defendants.	:
-----X	:

DEFENDANTS' NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon Defendants' Memorandum of Law in Support of their Motion for Summary Judgment; the accompanying Statement of Undisputed Material Facts Pursuant to Local Rule 56.1; the Affirmation of Patrick J. Lamparello and the exhibits attached thereto; and the Affidavit of Steven Hollender and the exhibits attached thereto, Bank of America Corporation and Merrill Lynch, Pierce, Fenner & Smith, Inc. (improperly pled as "Bank of America Merrill Lynch f/k/a Banc of America Securities, LLC"), move this Court, before the Honorable Paul A. Engelmayer, United States District Judge, at the United States Courthouse, 500 Pearl St., New York, NY 10007-1312, on a date and time to be designated by the Court, for an Order, pursuant to FED. R. CIV. P. 56,

dismissing Plaintiff's Amended Complaint in its entirety with prejudice and for such other relief as the Court may deem just and proper.

DATED: August 17, 2012

Respectfully submitted,

By: /s/ Steven D. Hurd

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